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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,117	03/08/2005	Paulus Ncervoort	NL 020774	1079

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EXAMINER

LAO, LUN S

ART UNIT PAPER NUMBER

2615

MAIL DATE DELIVERY MODE

08/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/527,117	Applicant(s) NEERVOORT ET AL.	
	Examiner Lun-See Lao	Art Unit 2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Introduction*

1. This action is response to applicant's response filed 05-24-2007. Claims 1-11 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 4-7 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Plunkett (US PAT. 5,386,478).

Consider claim 6, Plunkett teaches a system for providing location-aware media content by an audio-presenting device (see fig.1, (14R, 14L)) capable of presenting audio content, the system comprising means for:

obtaining, in a processing unit (18), at least one location parameter representing the location of the audio-presenting device (14R, 14L) (see col. 2, lines 24-36 and col. 4, lines 5-30); [It is noted that the at least one location parameter representing the location of the audio-presenting device (loudspeakers 14R, 14L) is reflected in the determination of the time delay compensation between the left loudspeaker 14L and right loudspeakers 14R. The time delay compensation takes into account the difference

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in length of the acoustic paths 12L and 12R, which in turn depends on the distances/locations of the loudspeakers.];

processing, in said processing unit (18), current audio content on the basis of the obtained at least one location parameter in order to obtain a location-aware audio content being relative to the current audio content dependent on the at least one location parameter (see col. 2, lines 24-36 and col. 4, lines 5-30); and

presenting the obtained location-aware audio content by the audio-presenting device (14R, 14L and see col. 2 line 36-col. 3 line 68).

Consider claims 7, 9 and 10, Plunkett teaches the processing unit (see fig. 1 (18)) comprises means for: receiving the at least one location parameter from the audio-presenting device (14R, 14L); and transmitting the obtained location-aware audio content to the audio-presenting device (14R, 14L) prior to presenting the same (see col. 2 line 36-col. 3 line 68); and at least one location parameter is inherently determined (time delay determination) as a parameter relative to a user's workspace (see col. 2 line 37-45; col. 4, lines 5-30); and the steps of processing audio content comprise processing by using audio reproduction capabilities of the audio-presenting device (14R, 14L and see col. 2 line 36-col.3 line 68).

Consider claims 1, 2, 4 and 5, these are the method claims corresponding to system claims 6, 7, 9 and 10. Thus note claims 6, 7, 9 and 10 respectively for rejections.

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plunkett (US PAT. 5,386,478).

Consider claim 8, Plunkett teaches the processing unit (see fig. 1 (18)) comprises means for: receiving the current audio content (22); and presenting the obtained location-aware audio content (14R, 14L and see col. 2 line 36-col. 3 line 68); but Plunkett does not clearly teach a system of the processing unit comprises an audio-presenting device.

However, to integrate an audio-presenting device with a processing unit into one unit is well known in the art (for example, a speaker housing integrated with a remote control unit and an amplifier) (official notice is taken).

Therefore, it would have been obvious the sound system as taught by Plunkett could have integrated the processing unit (18) with the audio-presenting device (14R, 14L) in order to provide a more compact entertainment sound system.

Consider claim 3, it is a method claim corresponding to system claim 8. See the claim 8 for rejection.

Consider claim 11, using a computer-readable medium containing a program for making a processor carry out the method steps of claim 1 would have been obvious at

the time of the invention, since processors/microprocessors were commonly used to perform complex acoustic calculations and control. Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to perform the method steps of claim 1 by a processor for the purpose of efficiency and accuracy. Storing in a computer-readable medium a program to control the processor to carry out the method steps of claim 1 would have been obvious for the purpose of portability and ease of maintenance.

### ***Response to Arguments***

6. Applicant's arguments filed 05-23-2007 have been fully considered but they are not persuasive.

Applicant argued that Plunkett fails to describe "obtaining, in a processing unit (103), at least one location parameter representing the location of the audio-presenting device (101)," and "processing, in said processing unit (103), current audio content on the basis of the obtained at least one location parameter in order to obtain a location-aware audio content being relative to the current audio content dependent on the at least one location parameter" as recited in claim 1 because the location parameters of Plunkett does not relate to the location of the stereo system 18 or its speakers 14L and 14R (Remarks, page 4, 2<sup>nd</sup> paragraph).

The examiner respectfully disagrees. In Plunkett, at least one location parameter representing the location of the audio-presenting device (loudspeakers 14R, 14L) is reflected in the determination of the time delay compensation between the left loudspeaker 14L and right loudspeakers 14R. The time delay compensation takes into

account the difference in length of the acoustic paths 12L and 12R, which in turn depends on the distances/locations of the loudspeakers 14R and 14L. See col. 4, lines 5-30. In Plunkett, processing/determining such automatic time delay compensation is provided in the main stereo system / processing unit. Obtaining the location information would be an inherent step before the processing/determination can be performed.

Therefore, Plunkett meets the steps of obtaining and processing as recited in claim 1.

Therefore, applicant's arguments are not persuasive.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jordan et al. (US PAT. 7,095,455) is cited to show other related smart speaker.

8. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:  
**(571) 273-8300**

Hand-delivered responses should be brought to:  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao, Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao, Lun-See *L.S.*  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501

Date 07-27-2007

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



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